IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21429 of 2004

Between:

1 Eesala Ramanarsamma W/o. Eesala Kotaiah
R/o. Sriramnagar Colony, Bhadrachalam Mandal,
Khammam District.
2 Varsi Veeramma W/o. Suraiah
R/o. Sriramnagar Colony, Bhadrachalam Mandal,
Khammam District.
3 Alem Rajamma W/o. Venkanna
C/o. E. Aruna, H.No. 311, Adarsh Nagar Colony, Bhadrachalam Mandal,
Khammam District.
4 Eesala Ramakka W/o. Buchaiah
C/o. E. Lakshmaiah, H.No. 204, Sriramnagar Colony, Bhadrachalam Mandal,
Khammam District.
5 Soornapaka Govindamma W/o. Kannaiah
C/o. E. Lakshmaiah, H.No. 204, Sriramnagar Colony, Bhadrachalam Mandal,
Khammam District.
6 Chatla Mallikamba W/o. Ramulu
C/o. Venugopal, Ashoknagar Colony, Bhadrachalam Mandal,
Khammam District.
7 Kinnera Lakshmi W/o. Kinnera Rajaiah
C/o. E. Anasurya, H.No. 311, Adarshnagar Colony, Bhadrachalam Mandal,
Khammam District.
8 Punem Kousalya W/o. Narsimha Rao
C/o. Venu, Ashoknagar Colony, Bhadrachalam Mandal,
Khammam District.

..... PETITIONERS

AND

1 The Sub Collector, Bhadrachalam,
Khammam District.

2 The Mandal Revenue Officer, Bhadrachalam,
Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent i.e., The Mandal Revenue Officer, Bhadrachalam, Khammam District, in not allotting the house sites to the petitioners herein in spite of the endorsement made by the Sub Collector, Bhadrachalam, dated 9.2.2004 is illegal and void, and opposed to Articles 14,19, and 21 of the Constitution of India and consequently to direct the 2nd respondent herein to pass orders on the representation of the petitioners herein dated 9.2.2004 for allotment of house sites.

Counsel for the Petitioners: MR.MUMMANENI.SRINIVASA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORAL ORDER:

The petitioners have filed this writ petition seeking a Mandamus to

declare the action of the 2nd respondent-Mandal Revenue Officer in not allotting the house-sites to the petitioners in spite of the endorsement, dated 9.2.2004 made by the Sub-Collector, Bhadrachalam, as illegal and arbitrary.

The petitioners are said to be the tribal persons, who applied to the Revenue Divisional Officer for grant of house-sites and their representation, dated 9.2.2004 was forwarded to the 2nd respondent, who is competent authority to take appropriate decision in accordance with law, but no action has been taken by the 2nd respondent. Hence, this writ petition is filed.

The learned counsel for the petitioners has contended that the 2nd respondent has not taken any steps to allot house-sites to the petitioners, who are poor tribal persons and therefore, a necessary direction may be given to the 2nd respondent.

The learned Government Pleader for Revenue has contended that the 2nd respondent has to take appropriate decision in accordance with law in allotting house-sites to the Girizans.

There is no dispute that the 2nd respondent has to take appropriate decision whether to grant or not to grant house-site pattas to the scheduled tribes. The case of the petitioners has been recommended by the Sub-Collector, Bhadrachalam.

Having regard to the facts and circumstances of the case, I deem it appropriate to direct the 2nd respondent to take appropriate decision in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is disposed of in terms of the above direction. There shall be no order as to costs.

(K.C. BHANU,J.)

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

24th November, 2004.

To

1 The Sub Collector, Bhadrachalam,
Khammam District.

2 The Mandal Revenue Officer, Bhadrachalam,
Khammam District.

3. Two CCs to G.P for Revenue, High Court of A.P., Hyderabad (OUT).

4. Two CD copies

Note: Furnish copy in one week.

(b/o)

bcj